



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice of Application for Permit

APPLICATION NO: 002300140

APPLICANT: Idaho Transportation Department

PUBLIC NOTICE DATE: February 18, 2004

21-Day Notice

COMMENTS DUE DATE: March 10, 2004

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT - Idaho Transportation Department (ITD), District 5, PO Box 4700, Pocatello, Idaho 83205-4700, contact Mr. Alan Wubker at 208-239-3312. For information from the Corps of Engineers, contact Mr. James M. Joyner at 208-522-1676.

LOCATION - Cub River and adjacent wetlands, Worm Creek, Worm Canal, and Cub Canal along US 91 between the Utah State Line and Preston, Idaho. Sites F-H, the Mitigation Site, and the Cub River Site: Sec. 20, T.16S., R.40E., Boise Meridian, Franklin USGS Quadrangle; Site I: Sec. 17, T.16S., R.40E., Boise Meridian, Franklin USGS Quadrangle; Site P, the Cub Canal Site, and the Worm Canal Site: Sec. 6, T.16S., R.40E., Boise Meridian, Franklin Quadrangle; and the Worm Creek Site: Sec. 36, T.15S., R.39E., Boise Meridian, Franklin USGS Quadrangle, in Franklin County, Idaho.

WORK - Discharge rock and dirt fill material into 1.59 acres of wetlands to widen U.S. 91 from the Utah State Line to Preston, Idaho. Discharge of native soil dredged and fill material into 6.25 acres of wetlands associated with grading and contouring the area to develop a mitigation site. The location and description of the work are shown on the enclosed drawings.

CONSTRUCTION PERIOD - Applicant proposes to start construction during the spring of 2005 and end during the spring of 2007. The permit would authorize construction for a period of 3 years.

PURPOSE - The purpose of the project is to increase roadway capacity to accommodate increasingly heavy commuting traffic between Preston, Idaho and Logan, Utah, to improve the roadway alignment, improve roadway safety, and replace deteriorating and undersized structures.

ADDITIONAL INFORMATION - The applicant proposes to widen approximately 7.8 miles of U.S. 91, from two to four lanes with turn lanes, between the Utah State Line at MP 0.0 and Preston, Idaho at MP 7.8. In addition, the bridge over the Cub River will be replaced and crossings over Worm Creek and the Cub and Worm Canals will be reconstructed. U.S. 91 is one of the oldest highways in Idaho and continues to serve as an important rural highway connector between Northern Utah and Southeast Idaho. It is largely a two-lane

roadway that passes through rolling terrain. U.S. 91 is classified as a rural principal arterial according to the American Association of State Highway and Transportation Officials.

The existing segment of U.S. 91 from the Utah State Line to Preston was found to have several operational deficiencies by the ITD. Deficiencies have been identified as substandard capacity to meet projected traffic volumes, lack of highway shoulders, horizontal and vertical curves that will be unsafe if design speeds are increased, and deteriorating and undersized structures. The additional lanes would improve traffic flow to meet current commuter demands between Preston, Idaho and Logan, Utah. The additional lanes and shoulders would also improve safety and replace portions of U.S. 91, such as the Cub River Bridge, which are deteriorating and undersized.

Approximately 380 cubic yards of dirt and rock fill material would be discharged into streams and wetlands along the proposed highway corridor to widen the highway and construct additional traffic lanes. The project would also require the excavation of approximately 440 cubic yards of native material in streams and wetlands to reconstruct the Cub River Bridge, bore Worm Creek under the highway and generally widen the highway.

The project will result in the filling a total of 3.93 acres of wetlands but only 1.59 acres of these wetlands are subject to our jurisdiction. To compensate for the loss of 3.93 acres of wetlands in the project corridor, ITD intends to create approximately 1.75 acres and enhance approximately 6.25 acres of emergent and scrub-shrub wetlands adjacent to the Cub River, just north of Franklin, Idaho. The mitigation would also enhance approximately 11 acres of existing additional wetlands by removing ground disturbing activities such as farming and grazing. ITD is proposing to mitigate at a 2:1 ratio to compensate for project impacts. However, only a portion of this mitigation may be required by the Corps for this permit since not all the impacted wetlands are subject to our jurisdiction. The mitigation site is located just north of Franklin in Sec. 20, T.16S., R.40E., B.M., Franklin County, Idaho. The mitigation site is currently surrounded by an earthen berm that prevents floodwaters from reaching the site. The plan involves redesigning the berm to allow floodwaters to enter the site and flow through a constructed depressional swale. ITD also proposes to integrate willow cuttings into riprap it would place at the reconstructed Cub River Bridge Crossing. This would improve riparian functions along this stretch of the river and would compensate for project impacts to the Cub River.

AREA DESCRIPTION – The project area primarily consists of agricultural land ranging from cultivated fields to pastureland and livestock operations. Wetlands are located on both sides of U.S. 91 at various locations. The wetland communities are normally adjacent to streams or irrigation canals. They typically include disturbed areas that have been impacted by past construction of the highway, on-going maintenance, and/or current agricultural land usage. Wetlands that would be impacted by this project are palustrine emergent wetlands.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT – The proposed project would result in the filling of a total of 3.93 acres of wetlands and other waters of the U.S., e.g. the Cub River and Worm Creek but only 1.59 acres of these wetlands are subject to our jurisdiction.

OTHER AUTHORIZATIONS - None.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the IDEQ

certification will be considered waived. Additionally, within 30 days of this public notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of their preliminary 401-certification decision. Comments concerning certification for this project should be mailed to Idaho Department of Environmental Quality, Pocatello Regional Office, 444 Hospital Way, #300, Pocatello, Idaho 83201.

CULTURAL RESOURCES – ITD coordinated with the Idaho State Historic Preservation Officer (ISHPO) to determine if this activity would affect any sites that are listed on the National Register of Historic Places, or sites that may be eligible for listing on the Register. It was determined that there are three sites eligible for listing in the project area. Those sites eligible for listing include an irrigation canal system built in 1881, a pea vinery built in 1926, and a concrete highway bridge built in the 1930s. The Cub River and Worm Creek Canal irrigation system would not be affected by widening two existing crossings of the canal system. In both cases, the canal segments consist of open ditches with no concrete, wood, stone, or other features that would be affected. The concrete bridge at the Cub River would be replaced. The pea vinery would not be impacted by the highway widening. On November 7, 2002 the Federal Highway Administration, ISHPO, and ITD executed a Memorandum of Agreement (MOA), which was submitted to the Advisory Council on Historic Preservation regarding impacts to the Cub River Bridge. The MOA outlined treatments necessary to mitigate impacts to the bridge.

ENDANGERED SPECIES – ITD has completed a biological evaluation concerning the effect that this project may have on any species designated as endangered or threatened under the Endangered Species Act, or their critical habitat. As part of the Federal Highway Administration and ITD's supplement to their Environmental Assessment they determined that the project would have no effect on listed species pursuant to Section 7 of the Endangered Species Act.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates that the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to

the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**U.S. Army Corps of Engineers
Idaho Falls Regulatory Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402**

Comments should be received not later than the comments due date of this notice to receive consideration.

A handwritten signature in black ink that reads "A. Bradley Daly". The signature is written in a cursive, flowing style.

A. Bradley Daly
Chief, Regulatory Division